

MINUTES

ALCOHOL AND TOBACCO COMMISSION

FEBRUARY 7, 2006

CALL TO ORDER/NOTING OF QUORUM

Chairman Heath called the meeting to order and noted the quorum and the attendance. Present were Commissioner Sturtz and Commissioner Guthrie. Also in attendance were Superintendent Huskey and Executive Secretary Choe.

Lisa Goldner of Bose McKinney and Evans, Brad Klopfenstein of ILBA and Jeff McKean were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes submitted for the January 17, 2006 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PARTIES AGREED DISPOSITION (PAD) FORMS – Commissioner Sturtz moved to approve the PAD forms submitted for the February 7, 2006 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

RR71-02356 C.H. MCCLOUD CORPORATION – Hearing Judge Choe stated this was a recommended denial of a renewal by the St. Joseph County Local Board and an upholding of that recommendation by the Commission. The permittee filed a timely notice of appeal and the matter was set for hearing. The Hearing Judge now submits her Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Commissioner Sturtz moved to uphold the Hearing Judge's recommendation and deny the renewal. Motion seconded by Commissioner Guthrie and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Three hundred ninety-one (391) renewals approved, fifty-eight (58) new and/or transfer permits approved, seven (7) permits approved for catering, seven (7) permits approved for first year escrow, four (4) permits approved for second year escrow, two (2) permits approved for third year escrow and one (1) permit approved for fourth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Commissioner Sturtz moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Guthrie and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

DL49-21876 BP PRODUCTS NORTH AMERICA, INC. – Chairman Heath noted this is a new type 115 application with the local board voting three (3) to one (1) to disapprove.

Commissioner Guthrie moved to reverse the local board's recommendation and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL49-21875 BP PRODUCTS NORTH AMERICA, INC. – Chairman Heath noted this is a new type 115 application with the local board voting three (3) to one (1) to disapprove.

Commissioner Guthrie moved to reverse the local board's recommendation and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL49-21909 BP PRODUCTS NORTH AMERICA, INC. – Chairman Heath noted this is a new type 116 application with the local board voting three (3) to one (1) to disapprove.

Commissioner Guthrie moved to reverse the local board's recommendation and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL49-21873 BP PRODUCTS NORTH AMERICA, INC. – Chairman Heath noted this is a new type 116 application with the local board voting three (3) to one (1) to disapprove.

Commissioner Guthrie moved to reverse the local board's recommendation and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL76-91492 MILLER'S MARKET, INC. – Chairman Heath noted this is a type 116 transfer of location application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the transfer. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR20-01652 JKG, LLC, D/B/A SPORTS LOCKER– Chairman Heath noted this is a type 210 renewal application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RC38-02050 FRATERNAL ORDER OF EAGLES 928– Chairman Heath noted this is a type 211-4 renewal application with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL82-21983 SANNAH, INC., D/B/A RIGHT STUFF– Chairman Heath noted this is a new type 115 application with the local board voting three (3) to one (1) to disapprove.

Commissioner Guthrie moved to reverse the local board and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR45-06197 HAMMOND YACHT CLUB – Chairman Heath noted this permittee requests this type 210 permit be converted to a type 211-1 permit.

Commissioner Guthrie moved to approve this request. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL20-22007 LOS GALANES SUPER MARKET, INC. – Chairman Heath noted this is a new type 115 application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

INACTIVE FILES

Commissioner Sturtz moved to make forty-nine (49) permits inactive. Ten (10) permits are subject to auction and thirty-nine (39) permits are not subject to auction. Motion seconded by Commissioner Guthrie and it was unanimously approved.

APPEALS FROM LOCAL BOARD RECOMMENDATIONS

No Appeals From Local Board Recommendations

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

UNDER ADVISEMENT

Nothing Under Adviseament

ANNOUNCEMENTS

COMMISSION MEETING CHANGE – Chairman Heath noted beginning with the March 7, 2006 meeting, the start time will be 10:30 a.m., instead of 2:30 p.m.

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this _____ day of _____, 2006.

DAVE HEATH, CHAIRMAN

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER